

REMARKS:

Reconsideration and allowance are respectfully requested.

Claims 1 – 3 have been previously cancelled. Claim 5 has been amended. Claims 18 – 23 have been cancelled as directed to a non-elected method. All the remaining claims have not been amended. No new matter has been added. Reconsideration is respectfully requested.

First, with regard to the restriction requirement, and as noted in the preliminary remarks section hereinabove, in view of the amendment to Claim 5 to make it dependent on Claim 4, and the election by applicant, with traverse, to elect the invention as described in Claim 4, the first set of restrictions and elections is rendered moot. With regard to the method of preparing the structure as claimed in Claim 18, applicant traverses the Examiner's election/restriction request on the basis that there is no *material difference* between inserting the separators into the apertures before or after the frames are slidably affixed together. As such, we do not believe there is a serious burden placed on the Examiner in terms of a new or additional search given the comparability of the products as claimed in 4 and 18 (by way of the process). Nevertheless, applicant has cancelled claims 18-23

The gist of the present invention as set forth in Claim 4, relates to an extendable structure comprising a pair of box-type frames, located one within the other, wherein the extendable structure may be extended along rails that are parallel to one another and wherein the outer frame has a leg located at each corner thereof and the inner frame has a pair of legs at one end of the rails thereof, and wherein the pair of legs are outside of the outer frame to enable the inner frame to be adjusted to change the length of the structure. In so doing the structure becomes extended whereby in one embodiment of the invention, additional platters or trays may be stored therein.

In the January 16, 2003 non-final rejection, the Examiner indicated there was allowable subject matter. The Examiner indicated that assuming the applicant addressed the 35 U.S.C. 112 rejections, the invention as claimed in Claim 4 and claims dependent therefrom would be allowable.

1 The Examiner indicated therein that the prior art of record neither taught nor suggested the
2 structure as presently claimed in Claim 4. Since Claim 4 as introduced in the prior filing by applicant
3 substantially repeats verbatim the allowable subject matter indicated by the Examiner, that claim as
4 well as all claims dependent thereupon, i.e.; Claims 5 (as now amended) through 17, should be in
5 allowable condition. An allowance thereof is respectfully requested.

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7 All of the other informalities and objections raised by the Examiner in the January 16, 2003
8 Office Action have been addressed in light of the prior amendments to the application and the
9 drawings.

DISCUSSION OF PRIOR ART

The references cited by the Examiner in the January 16, 2003 Office Action were analyzed at length in applicant's previously filed proposed response (attached to applicant's petition for revival of the then abandoned application). Those arguments are incorporated herein by reference as if set forth verbatim.

ENTRY OF APPLICANTS AMENDMENT FILED JULY 27, 2004

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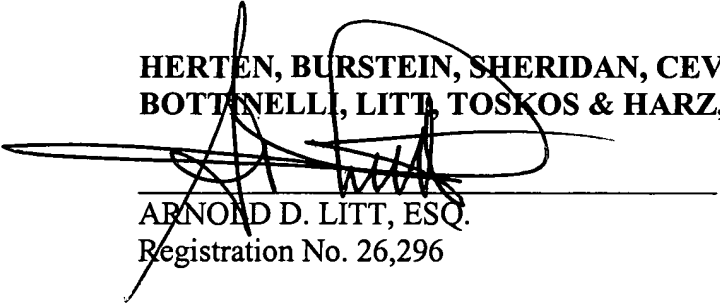
As noted above, applicant's proposed amendment to the Examiner's Office Action of January 16, 2003, was submitted along with its petition for revival of the previously abandoned application. Applicant now requests formal entry of that amendment and encloses a copy thereof for ease of review by the Examiner.

CONCLUSIONS:

In view of the above arguments and the enclosures herewith, applicant respectfully requests the allowance of Claims 4 and 5-17.

Respectfully submitted:

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